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DATE FILED: 7/18/08

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- v. -

\$7,105.00 IN UNITED STATES  
CURRENCY,

Defendant-in-rem.

STIPULATION AND ORDER  
OF SETTLEMENT

07 Civ. 8802 (DLC)

WHEREAS, on or about October 12, 2007, the United States commenced a civil action for the forfeiture of the above-captioned Defendant-in-rem ("the Seized Currency") by the filing of a Verified Complaint;

WHEREAS, on October 19, 2007, notice of the Verified Complaint was sent by certified mail, return receipt requested to Brendan O'Meara, Esq., O'Meara Law Office, 304 Grand Concourse, Bronx, New York 10702, as attorney for Kenneth Francia, the only know interested party, notifying that they may have an interest in this action, and of their right to file a claim and answer and contest the forfeiture;

WHEREAS, notice of the commencement of this action was also published in the NEW YORK LAW JOURNAL ON October 31, 2007, and proof of such publication was filed with the Clerk of this Court on January 29, 2008;

WHEREAS, on or about November 20, 2008, Kenneth Francia (the "claimant") through his attorney, Brendan O'Meara, Esq., filed a claim contesting the seizure and seeking return of the Seized

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Currency;

WHEREAS, on or about December 13, 2007, the claimant through his attorney, filed an Answer to the Verified Complaint;

WHEREAS, no other party has claimed an interest in the Seized Currency;

WHEREAS, the United States and the claimant have agreed to resolve the claim to the Seized Currency on the terms and conditions set forth herein;

IT IS HEREBY STIPULATED, AGREED AND ORDERED AS FOLLOWS, by and between the office of Michael J. Garcia, United States Attorney, Assistant United States Attorney Sharon E. Frase, and Kenneth Francia, and his counsel, Brendan O'Meara, Esq., that:

1. The claimant agrees to forfeit all right, title and interest in \$4,105.00-<sup>00</sup> of the Seized Currency (the "Forfeited Funds"), to the United States, pursuant to 21 U.S.C. § 881(a)(6), without admitting any liability thereunder.

2. The United States of America agrees to return the remainder of the Seized Currency (\$3,000.00) to the claimant, through a check issued by the United States Marshals made payable to Kenneth Francia and mailed to his attorney Brendan O'Meara, Esq., at 304 Grand Concourse, Bronx, New York 10451.

3. Upon the entry of this Stipulation and Order by all parties and the Court, the Forfeited Funds shall be forfeited to the United States for disposition according to law.

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4. The claimant waives, and is barred from asserting, any further claim against the United States, the Department of Justice ("DOJ"), the United States Attorney's Office for the Southern District of New York ("USAO-SDNY"), the United States Marshals Service ("USMS"), or the Drug Enforcement Administration ("DEA"), or agents, officers, or employees of the United States, DOJ, USAO-SDNY, USMS, and DEA, in connection with the seizure, possession, and forfeiture of the Seized Currency or other seized property including, but not limited to, any claim that there was no probable cause to seize, possess, and forfeit the Seized Currency or other seized property, or for costs or attorney fees.

5. The claimant represents that he is the sole owner of the Seized Currency, and agrees to hold harmless the United States, DOJ, USAO-SDNY, USMS, and DEA, and any and all agents, officers, and employees of the United States, DOJ, USAO-SDNY, USMS, and DEA from any and all claims arising from any acts, incidents, or occurrences in connection with the seizure, possession, and forfeiture of the Seized Currency, including but not limited to, any third-party claims of ownership of the Seized Currency.

6. The claimant hereby withdraws his claim and/or petition for remission. Furthermore, the parties hereby waive all rights to appeal or to otherwise challenge or contest the validity of this Stipulation and Order.

7. This Stipulation and Order shall in no way be

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deemed an admission of culpability, liability, or guilt on behalf of Kenneth Francia, or of the plaintiff United States or any of their respective agents, officers or employees, past and present. Further, this Stipulation and Order shall in no way constitute any reflection upon the merits of the claims and defenses asserted respectively by the United States and Kenneth Francia.

9. The signature pages of this stipulation may be executed in one or more counterparts, each of which will be deemed an original but all of which together will constitute one and the same instrument.

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9. Each party shall bear their own costs and attorney fees.

The Clerk is hereby directed to send certified copies of this Order to all counsel of record.

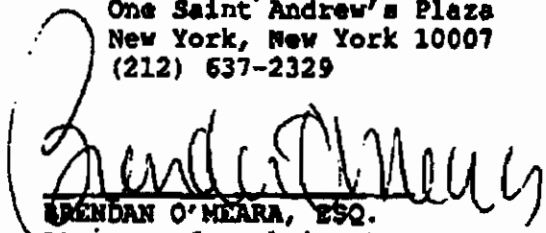
AGREED AND CONSENTED TO:

MICHAEL J. GARCIA  
United States Attorney  
Southern District of New York

BY: 

SHARON E. FRASE  
Assistant United States Attorney  
One Saint Andrew's Plaza  
New York, New York 10007  
(212) 637-2329

7/6/08  
DATE

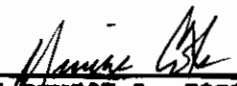
  
BRENDAN O'MEARA, ESQ.  
Attorney for Claimant  
304 Grand Concourse  
Bronx, New York 10451  
(914) 548-9005

7/09/08  
DATE

X   
KENNETH FRANCIA  
Claimant

X 7-9-08  
DATE

SO ORDERED:

  
HONORABLE DENISE L. COTE  
UNITED STATES DISTRICT JUDGE  
SOUTHERN DISTRICT OF NEW YORK

July 17, 2008  
DATE